

STAYED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-01090-EGS**

EQUITY FORWARD v. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/09/2018

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**EQUITY FORWARD**

represented by **David L. Sobel**  
LAW OFFICE OF DAVID L. SOBEL  
5335 Wisconsin Ave., NW  
Suite 640  
Washington, DC 20015  
(202) 246-6180  
Fax: (415) 436-9993  
Email: [sobel@att.net](mailto:sobel@att.net)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

represented by **Benton Gregory Peterson**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2534  
Fax: (202) 252-2599  
Email: [benton.peterson@usdoj.gov](mailto:benton.peterson@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Derek S. Hammond**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2511  
Fax: (202) 252-2599  
Email: [derek.hammond@usdoj.gov](mailto:derek.hammond@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/09/2018	<u>1</u>	COMPLAINT <i>for Injunctive and Declaratory Relief</i> against DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 400 receipt number 0090-5471065) filed by EQUITY FORWARD. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> 7.1 Certificate, # <u>3</u> Summons U.S. Attorney, # <u>4</u> Summons Attorney General, # <u>5</u> Summons HHS)(Sobel, David) (Attachment 1 replaced on 5/11/2018) (zmd). (Entered: 05/09/2018)
05/09/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by EQUITY FORWARD. (zmd) (Entered: 05/11/2018)
05/09/2018		Case Assigned to Judge Emmet G. Sullivan. (zmd) (Entered: 05/11/2018)

05/11/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 05/11/2018)
05/14/2018	<u>4</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 05/14/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 05/14/2018)
06/20/2018	<u>5</u>	ANSWER to Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Peterson, Benton) (Entered: 06/20/2018)
07/13/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than August 1, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 7/13/2018. (lcegs3) (Entered: 07/13/2018)
07/13/2018		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 8/1/2018. (mac) (Entered: 07/13/2018)
08/01/2018	<u>6</u>	Joint STATUS REPORT by EQUITY FORWARD. (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 08/01/2018)
08/03/2018		MINUTE ORDER in view of <u>6</u> joint status report, the parties are directed to file another joint status report by October 10, 2018. The joint status report shall set forth the status of defendant's response to plaintiff's FOIA request, which shall begin on August 30, 2018. Defendant shall produce at least 750 pages per month. Signed by Judge Emmet G. Sullivan on 8/3/2018. (lcegs3) (Entered: 08/03/2018)
08/03/2018		Set/Reset Deadlines: Joint Status Report due by 10/10/2018. (mac) (Entered: 08/03/2018)
11/02/2018		MINUTE ORDER. On August 3, 2018, the Court ordered the parties to file another joint status report by October 10, 2018. To date, the parties have not complied. The parties are therefore ORDERED to file another joint status report by no later than November 16, 2018. Signed by Judge Emmet G. Sullivan on 11/2/2018. (lcegs3) (Entered: 11/02/2018)
11/05/2018		Set/Reset Deadlines: Joint Status Report due by 11/16/2018. (mac) (Entered: 11/05/2018)
11/16/2018	<u>7</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 11/16/2018)
11/21/2018		MINUTE ORDER in view of <u>7</u> joint status report, the parties shall file another joint status report updating the Court as to the status of the defendant's production efforts by no later than January 16, 2019. Signed by Judge Emmet G. Sullivan on 11/21/2018. (lcegs3) (Entered: 11/21/2018)
11/21/2018		Set/Reset Deadlines: Joint Status Report due by 1/16/2019. (mac) (Entered: 11/21/2018)
01/11/2019	<u>8</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/11/2019)

01/15/2019		MINUTE ORDER granting <u>8</u> consent motion for stay and extension of time in light of lapse of appropriations. Defendant is directed to notify the Court when appropriations are restored or if a continuing resolution is enacted. The deadline for the joint status report is hereby extended until fourteen (14) days after appropriations are restored to the Department of Justice. Signed by Judge Emmet G. Sullivan on 1/15/2019. (lcegs3) (Entered: 01/15/2019)
02/19/2019		MINUTE ORDER. The parties are directed to file a joint status report updating the Court as to the status of Defendant's production efforts by no later than March 1, 2019. Signed by Judge Emmet G. Sullivan on 2/19/2019. (lcegs3) (Entered: 02/19/2019)
02/19/2019		Set/Reset Deadlines: Joint Status Report due by 3/1/2019. (mac) (Entered: 02/19/2019)
03/01/2019	<u>2</u>	NOTICE of Appearance by Derek S. Hammond on behalf of All Defendants (Hammond, Derek) (Entered: 03/01/2019)
03/01/2019	<u>10</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 03/01/2019)
03/04/2019		MINUTE ORDER. In view of the <u>10</u> Joint Status Report, the parties are directed to file another joint status report updating the Court on the status of Plaintiff's FOIA request by no later than May 1, 2019. Signed by Judge Emmet G. Sullivan on 3/4/2019. (lcegs3) (Entered: 03/04/2019)
03/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/1/2019. (mac) (Entered: 03/04/2019)
05/01/2019	<u>11</u>	Joint STATUS REPORT by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Hammond, Derek) (Entered: 05/01/2019)
05/01/2019		MINUTE ORDER. In view of the <u>11</u> Joint Status Report, the parties are directed to file another joint status report by no later than July 1, 2019. Signed by Judge Emmet G. Sullivan on 5/1/2019. (lcegs3) (Entered: 05/01/2019)
05/02/2019		Set/Reset Deadlines: Joint Status Report due by 7/1/201. (mac) (Entered: 05/02/2019)